



STATE OF UTAH

UTAH SUBSTANCE ABUSE AND ANTI-VIOLENCE COORDINATING COUNCIL

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Meeting Notes **USAAV DUI COMMITTEE**

Tuesday, April 1, 2003
1:30 pm to 3:00 pm

Room 129
State Capitol Building

Present: David Beech, Paul Boyden, Bart Blackstock, Neil Cohen, Susan Burke, Mary Lou Emerson, Gail Johnson, Teri Pectol, Rich Schwermer, Sheriff Kirk Smith, Nora B. Stephens, Anna Kay Waddoups, Sen. Carlene Walker

Guests: Art Brown, Gary Franchina, Jennifer Hememway, Mary Phillips

I. Welcome & Chair's/Co-Chair's Report **Anna Kay Waddoups**

A. Update on Gov's Council Recommendations (handout provided)

Susan reviewed the status of the recommendations to date. It was pointed out the importance of not only tracking these recommendations, but also adding and modifying them.

B. Schedule for future presentations

David Beech and Bart Blackstock agreed to host the next meeting on June 10 to report how Highway Safety and Driver License has responded to the Gov's Council recommendations.

***Action:** David will invite Dr. Frost to the June meeting to provide an update on a DUI study she is conducting for his office and Driver License. Bart will bring information on an Arizona law that limits the scope of administrative hearings so that probable cause does not have to be considered in order to revoke a license.*

C. Impaired Driving Assessment Report **Mary Lou Emerson**

Mary Lou discussed the importance of the Committee reviewing the National Highway Transportation and Safety Administration's assessment of Utah's DUI laws, policies and practices.

***Action:** Susan will work with David Beech to incorporate the NHTSA report into the Gov's Council Recommendation document. A status report will be provided at the June meeting.*

II. Director's Report **Susan Burke**

A. Legislative Wrap Up (handout provided)

Anna Kay reviewed 2003 Legislation and indicated it was a successful session for DUI-related bills. She pointed out SB 66, Alcoholic Beverage Enforcement and Treatment, passed but the legislature failed to appropriate the funds. A special session would be required or it could be done during a supplemental process. The earliest communities would receive funding is January 2004. She invited members to attend a ceremonial signing of SB 66 this Friday at 3:00 pm in the Governor's Office.

B. Local Alcohol Funds & Beer Tax Update (handout provided)

Susan distributed a chart outlining how the locals are utilizing the local alcohol funds. Mary Lou pointed out USAAV has the authority to withhold funds if they are not being used appropriately.

C. DUI Code Clarification Needed (handout provided)

Susan stated that there was some confusion interpreting the DUI Code, 41-6-44 (15). It is not clear if treatment and ignition interlock or home confinement is expected for .16 BAC or higher or if the judge can order those sanctions individually if they enter the reason on the record.

***Action:** Rick Schwermer and Paul Boyden agreed to review the law and present some clarifying language at our next meeting. The amended language could then be address in a future DUI bill.*

III. DUI Studies

A. DUI Forfeiture (report emailed)

Gary Franchina

Gary discussed the findings of the study, which indicated that forfeiture can be effective if done immediately and if combined with other sanctions such as treatment and education. No sanction alone has a lasting effect to reduce DUI. There was much discussion about the pros and cons of such a strategy. The Committee agreed not to take a position on this issue, but remain open to discussion. Utah's forfeiture stature would make forfeiture difficult.

B. Justice Court Automation (handout provided)

Jennifer Hememway

Jennifer reported on the progress of automating court data so that law enforcement agencies and the courts can make informed decisions about DUI cases. Progress made includes streamlining records and allowing for simultaneous searches in various databases. The information is also being made available through the web, with the ability to reformat the data in a user-friendly and familiar format. CCJJ has also awarded a grant to the Courts to provide free software to justice courts to help them with their records management. The Committee thanked Jennifer for facilitating this project, with Sen. Walker stating that the single most important thing that has been done for DUI is the development of a master database.

IV. MADD Report Card (handout provided)

Art Brown and Mary Phillips

Art discussed the B- given to Utah and stated that collectively Utah deserves an A for the work of the Gov's Council and all those involved in DUI issues. Unfortunately, the good work was overshadowed by the press coverage of Utah's B-. Mary explained that she prepared the information for the MADD report and in some case we are penalized for lack of laws, even if we do not need them.

V. Committee Priorities Areas for 2003

Committee

Five priorities were identified:

1. Local funding formula and accountability (possibly awarding grants)
2. DUI Victim's Rights
3. Explore criminalization of BAC test refusals.
4. Comparison of Utah DUI laws with other's states such as California and NY
5. DUI Courts

VI. Other Business

• Sticker Shock

Teri Pectol

This item was deferred to the next meeting.

Next Agenda and Meeting Schedule: June 10, 2003, 1:30 pm to 3:00 pm

- NHTSA and Gov's Council update
- Presentation by Highway Safety and Driver License, AZ law
- DUI clarifying language
- Comparison of Utah and California DUI laws
- Sticker Shock